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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/797,433	03/10/2004	Thomas Michael St. James	0521-0001	4447	
7590 08/10/2004			EXAMINER		
Cook, Alex, McFarron, Manzo, Cummings & Mehler			BARRETT, SUZAI	BARRETT, SUZANNE LALE DINO	
Suite 2850 200 West Adams			ART UNIT	PAPER NUMBER	
Chicago, IL 60606			3676		
			DATE MAILED: 08/10/2004	4	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Diffice Action Summary    Total MAILING DATE of this communication appears on the cover sheet with the correspondence address   Period for Reply	·		Application No.	Applicant(s)			
Suzanne Dino Barrett   Sizanne Dino Barrett			10/797,433	JAMES, THOMAS MICHAEL ST.			
Preirod for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Educations of inem rupt be envisible under the provincial of 3 CFR 1.13(6). In no event, now a reply be limbly filed at the 53 (5) ACCPTIS from the making date of this communication.  Educations of the rupt by envisible under the provincial of 3 CFR 1.13(6). In no event, now a reply be limbly filed at the 53 (5) ACCPTIS from the making date of this communication.  If No period for rupt is specified before, the maximum databox, period vall apply within the statutory minimum of thinly (30) days will be consulted intelligence of the communication.  If No period for rupt is specified before, the maximum databox period vall apply and valled pile 30(MONTHS from the mailing date of the communication.  If No period for rupt is specified become, the mailing date of the communication.  Pallule be reply within the soft or estimated period for rupt vall, by statuto, cause the application to become ABANDCNED (35 U.S.C § 133).  Status  1) ☑ Responsive to communication(s) filed on 10 March 2004.  2a ☐ This action is FINAL.  2b) ☑ This action is FINAL.  2b) ☑ This action is FINAL.  2c) ☑ Claim(s) 1.32 is/are pending in the application.  4a) ② the above claim(s) is condition for for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☑ Claim(s) 1.32 is/are pending in the application.  4a) ○ the above claim(s) is/are allowed.  ② Claim(s) is/are allowed.  ② Claim(s) is/are allowed.  ② Claim(s) is/are allowed.  ③ Claim(s) is/are allowed.  ③ Claim(s) is/are allowed.  ② Claim(s) is/are allowed		Office Action Summary	Examiner	Art Unit			
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Sette 53x (b) MOXTHS from the mailing date of this communication. 1.36(d), in no event, however, may a reply be timely filed setter 53x (b) MOXTHS from the mailing date of this communication. 1.36(d) and the statutory minimum of thiny (20) days will be considered timely.  If NO period for reply setting date to this communication. 1.36(d) days, a reply the date of the communication. 1.36(d) days are stated to reply setting date of this communication. 1.36(d) days will be considered timely.  If NO period for reply setting date the mailing date of this communication, even if limely filed, may reduce any seamed patient term adjustment. See 37 CFR 1.76(d).  Status  1) □ Responsive to communication(s) filed on 10 March 2004.  2a) □ This action is FINAL. 2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1-37 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6) □ Claim(s) is/are objected to.  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on 10 March 2004 is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abovance. See 37 CFR 1.86(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to Se 37 CFR 1.121(d).  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1.			Suzanne Dino Barrett	3676			
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time map be writing belief of this communication.  Extensions of time map be writing belief of this communication.  Extensions of time map be writing belief of this communication.  It No periods or regit is secured believe the mailing date of this communication, only within the statictory minimum of thiny (20) days with two considered fromly.  It No periods or regit is secured above, the meaninm statery printfor the spot part with each statictory minimum of the mailing date of this communication. Failure to reply will be patients on the mailing date of this communication, regit to become ARANDONED (35 U.S.C. § 133). Any reply revoked by the Office that them them from the mailing date of this communication, even if timely filed, may reduce any search patient term seliustrians. See 37 CFR 1.794(b).  Status  1) Responsive to communication(s) filed on 10 March 2004  2e) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-37 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  5) Claim(s) 1-37 is/are rejected.  7) Claim(s) is/are allowed.  6) Claim(s) 1-37 is/are rejected to.  8) Claim(s) 1-37 is/are rejected to.  10) The drawing(s) filed on 10 March 2004 is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on 10 March 2004 is/are: a) accepted or b) objected to by the Examiner.  Application for the contribution of the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheek(s) including the correction is required if the drawing(s) is objected to See 37 CFR 1.121(							
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#### **DETAILED ACTION**

# Claim Rejections - 35 USC § 112

1. Claims 14-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14, line 5, "a member" is recited comprising a first and a second opening, however, this recitation is indefinite since there is no embodiment disclosed which has a single member comprising both openings. Therefore, it is unclear what is being claimed. Applicant is requested to clarify. It is noted that claims 15-24 are included herein merely because of their dependency.

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35
 U.S.C. 102 that form the basis for the rejections under this section made in this
 Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1-3,5,6,8-17,19-26,28-30,32-37 are rejected under 35
  U.S.C. 102(b) as being clearly anticipated by Stanich 4,882,918.
  Stanich clearly teaches a padlock protector comprising a shield having a rear surface with offset portions (15,22) and with integral arm members having

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shackle receiving openings (18,19a) therein and wherein the arms are laterally and vertically offset to receive the curved shackle (S) accordingly. The shield further provided with a semicircular cutout (at 22 in Fig. 4) in the lower end to receive a combination dial therein. It is noted that the method limitations of claim 37 are considered inherent to the use of the Stanich device.

## Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. Claims 4,27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanich '918 in view of Elsfelder et al 5,219,384. Elsfelder et al teach arm members with a shackle receiving opening (12e'), disposed on a rear surface of a shield member (12a), comprising right angle brackets (12e). It would have been considered an obvious matter of design choice to modify the arms members of Stanich by substituting right angle brackets as taught by Elsfelder et al to be functionally equivalent.
- 6. Claims 7,18,31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanich '918 in view of Anderson D330,843. Anderson teaches the use of a padlock shield member resembling a police badge. Stanich clearly teaches in Figs. 17,19 that the shield member may be formed in various shapes resembling

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specific objects. Accordingly, it would have been considered an obvious matter of design choice to modify the shield of Stanich by providing a shape resembling a police badge as clearly taught by Anderson.

### Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the angle brackets of Poe '845.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 703-308-0825. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Suzarine Dino Barrett Primary Examiner

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sdb